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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/706,844	11/07/2000	Richard O. Grant	1139-201	8540

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EXAMINER

PRONE, JASON D

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 02/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/706,844

Applicant(s)

GRANT ET AL.

Examiner

Jason Prone

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 November 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other:

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: On page 4 line 7, item "5". A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 14-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. There is no claim 13 and it is unclear on what the limitations of claims 14-16 are. Claims 14-16 are not to be taken into consideration with the prior art listed until the problem surrounding claim 13 is addressed.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3-6, 9-12, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Oostendorp.

Oostendorp discloses the same invention including an elongated monofilament (14) with a proximal and a distal end comprising of a collar (50) with a flange (Fig. 6), that the collar comprises a hollow circular cross-section extending end-to-end (Fig. 3), that the monofilament is flush with the collar (Fig. 6), a trimmer comprising of a cutting head (Fig. 4) with a first end adapted to engage a drive shaft (Fig. 4) and a second end having an elongated annular flange and an aperture in the flange extending from the interior wall to the exterior wall (Fig. 6), that a portion of the monofilament extending from the distal end lies within the interior wall (Fig. 6), that at least one trimmer line piece has a first end sized for insertion through the aperture (Fig. 6) and a stop sized to prevent the second end to travel through the aperture (Fig. 6), that the collar is crimped to the monofilament (Fig. 6 {Examiner notes that the word "crimped" means to be an inhibiting or restraining influence on an object. Therefore, Figure 6 clearly shows item 50 restraining item 14}), and that the crimp forms an indentation into the monofilament (Although no indentation is shown in Oostendorp, it is inherent that, in order for item 50 to restrain item 14, contact must be made. The force applied to item 14 from item 50 would create a deformation or in this case an indentation in 14).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oostendorp in view of Jacyno et al. Oostendorp discloses the invention {listed above} but fails to disclose that the monofilament has a non-circular cross-section and a spur mounted between the flange and the proximal end. Jacyno et al. teaches a monofilament that has a non-circular cross-section (Fig. 6) and a spur (Fig. 4 {prongs connecting 31 to 29}) to Oostendorp. Therefore, it would have been obvious to one skilled in the art, at the time of the invention, to have provided Oostendorp with an alternate shape that provides a jagged surface, therefore creating a better cutting surfaced compared to the tradition circular monofilament and an alternate restraining device to hold the monofilament into place.
8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oostendorp. Oostendorp discloses the invention {listed above} but fails to disclose that the crimp is located $\frac{1}{3}$ the distance from the distal end of the collar. It would have been an obvious matter of design choice to make the crimp located $\frac{1}{3}$ the distance from the distal end of the collar, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).
9. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oostendorp and Jacyno et al. in view of Legrand. Oostendorp and Jacyno et al. discloses the invention {listed above} and the positioning of the collar and crimp but do not disclose that this reduces stress and strain on the monofilament. Legrand teaches that it is known in the art to have the proper mechanical properties (stress and strain) to

allow it to fulfill its role as a cutting line (Column 1 line 60-65). Therefore, it would have been obvious to one skilled in the art, at the time of the invention, to have provided Oostendorp and Jacyno et al. with this knowledge to create the most efficient cutting line.

10. Claims 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oostendorp in view of White, III. Oostendorp discloses the invention {listed above} but fails to disclose a collar comprised of a metallic material. White, III teaches the use of a collar made from metallic material (Column 4 line 51-52). Therefore, it would have been obvious to one skilled in the art, at the time of the invention, to have provided Oostendorp with a metallic collar for a more durable collar.

11. Claims 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oostendorp and White, III. Oostendorp and White, III discloses the invention {listed above} but fails to disclose a collar made of brass. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the collar out of brass, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Houle, Whitman, Fogle, and Caffey et al.

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13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is 703-605-4287. The examiner can normally be reached on 7:30-5:00, Mon - (every other) Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 703-308-1082. In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9302.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.



JP
February 20, 2002



M. Rachuba
Primary Examiner